

Serial No.: 10/728,379

**REMARKS**

Claims 32, 33, and 54-68 are pending in the present application after this amendment adds new claims 65-68. Claims 55 and 57 are amended. No new matter is added by the amendments and new claims, which find support throughout the specification and figures. In view of the amendments and the following remarks, favorable reconsideration of this case is respectfully requested.

Applicants note with appreciation that the Examiner acknowledges that claims 32, 33, and 59-64 are allowed, and that claim 57 is directed to allowable subject matter. With the amendment of claim 57 into independent form including the features of its base claim 53, it is respectfully submitted that claim 57 is allowable.

Claims 54-56 and 58 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's Allegedly Admitted Prior Art (hereinafter referred as AAAPA). Applicants respectfully traverse.

Claim 54 relates to an ESD protection circuit that includes, *inter alia*, a first bipolar transistor and a second bipolar transistor, said first and second bipolar transistors cooperating with one another to perform a SCR. The ESD protection circuit of claim 54 also includes *a trigger device adapted to trigger said first and second bipolar transistors substantially simultaneously*. In the circuit of claim 54, one end of said trigger device is connected to a base region of said first bipolar transistor, and another end of said trigger device is connected to a base region of said second bipolar transistor.

The Examiner asserts that the features of the claims are disclosed in figures 1 and 2 and the accompanying description of the instant application. In particular, the Examiner asserts that a trigger device is disclosed by anode 4 and cathode 9.

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However, figures 1 and 2 of the present application do not disclose or suggest a trigger device as recited in claim 54. Figures 1 and 2 are discussed in the specification at pages 3-5.

There is no mention of a trigger device in this section, nor any illustration of a trigger device in either figure 1 or 2. Furthermore, element 4 of the AAAPA is described as a P+ region functioning as an anode, while element 9 is described as a N+ region functioning as a cathode. An anticipation rejection under 35 U.S.C. 102 requires that the prior art reference *identically disclose* each and every element of the claim. Therefore, since the AAAPA does not identically disclose or suggest a trigger device, the AAAPA does not anticipate claim 54.

The Examiner does not give patentable weight to the feature of the trigger device being adapted to the first and second bipolar transistors since "the claims are directed to a device" (Office Action; page 3, lines 1-3).

However, the feature of the trigger being adapted to trigger said first and second bipolar transistors substantially simultaneously should be afforded patentable weight, since it describes a *structural element, namely a trigger, of the device, namely the ESD protection circuit*. The language "adapted to" in the present context is not purely suggestive of a possible use, but is rather a description of the function of a structural element of the device. In the claim according to claim 54, an ESD protection circuit includes a trigger device adapted to trigger said first and second bipolar transistors substantially simultaneously. Figures 1 and 2 of the instant application, and the accompanying description, do not disclose or suggest such a trigger device, and therefore the AAAPA does not anticipate claim 54 and its dependent claims.

Therefore, it is respectfully submitted that claim 54 is allowable.

Claims 55, 56, and 58 depend from claim 54 and are therefore allowable for at least the same reasons as claim 54 is allowable.

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New claims 65-67 depend from claim 54 and are therefore allowable for at least the same reasons as claim 54 is allowable.

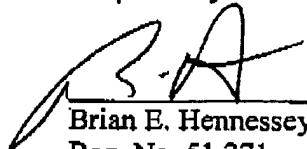
New claim 68 relates to an ESD protection circuit with several of the features of the ESD protection circuit claimed in claim 54. However, the trigger device in claim 68 is adapted to trigger said first and second bipolar transistors, and does not include the limitation that the triggering is substantially simultaneously. It is respectfully submitted therefore that for at least the same reasons discussed above in support of the allowability of claim 54, claim 68 is also allowable.

### **CONCLUSION**

In view of the remarks set forth above, this application is believed to be in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

  
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